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DISCRIMINATION AGAINST INDIGENOUS PEOPLE

Written statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 August 1993]

Violation of human rights of indigenous peoples

1. The Commission for the Defence of Human Rights in Central America (CODEHUCA) writes to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fifth session, to report and denounce violations against the indigenous peoples of Central America. Indigenous peoples have been classed as minorities and, as such, have been recognized as having special rights which must be respected.

2. At the recent World Conference on Human Rights, reference was made to:

"The importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such promotion and protection to the political and social stability of the States in which such persons live,

The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The persons belonging to minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination."

3. Despite international declarations, agreements, covenants or treaties, indigenous peoples are constantly attacked and their rights violated. In Central America ethnic discrimination and racism are commonly practised by non-indigenous and non-negro national societies and by States; there is no recognition of socio-cultural diversity, and hence there is total disrespect for identities with deep historical and cultural roots, which is an obstacle both in building societies based on a culture of human rights and in developing any State.

4. In view of this situation, CODEHUCA, as the regional instrument for the Central American people, has decided to draw attention in regional and international forums to the circumstances in which the indigenous peoples of the area live, and has repeatedly reaffirmed its solidarity and it pledge to support them in their struggle.

5. The Commission has, on various occasions, organized regional forums intended entirely to allow indigenous people to voice their concerns. The latest occasion was in May this year in Guatemala, since the majority of the population is indigenous and still does not enjoy citizen status. The people are deprived of their rights by institutional policies backed by government and military practices.

6. The struggle by these very people to defend their rights has fostered among States a discussion about the need to recognize the multicultural and multiethnic characteristic of society and to respect diversity as a principle of unity.

7. It was mainly the ethos and way of life of the indigenous peoples that led to concern for pollution and destruction of the environment (water, soil, flora and fauna), improper use of highly polluting toxic and agrochemical wastes, indiscriminate deforestation, and the harmful effects of armed conflicts on the environment where military activities by counterinsurgents have caused serious destruction of forests and fauna in Guatemala, El Salvador and Honduras, sometimes with irreversible damage.

8. The indigenous people continue to protest, though they remain unheard. Governments in turn have tried to silence them with violence and people have been sacrificed: men, women and children have given their lives to secure recognition of their rights. This sacrifice has still not borne any fruit, and violence against indigenous peoples is unending in Central America,

mainly because criminals and assassins go unpunished, protected by powerful government leaders including the judiciary, which in some countries in the region has become inoperative, ineffective and sometimes even biased.

9. The problems of the "indigenous minorities" have been ignored nationally and internationally and this means they have become defenceless. Central American States have violated international human rights standards, while pretending not to know that the indigenous people have these rights. "White" Governments of the region make a distinction between citizens and indigenous people. Indigenous persons are not regarded as citizens and therefore do not enjoy the inherent rights of citizens. For instance, Amnesty International's report for 1993 condemns Guatemala and Costa Rica as countries where the fundamental rights of the indigenous peoples are violated: they are threatened, their physical integrity and their lives are under attack, the women are raped, their harvests and houses burnt. In Guatemala, in particular, the policy is one of ethnocide; indigenous Guatemalans are massacred and many of their communities razed and destroyed; secret graves have been discovered (the most recent in the village of Chichupaj), each with hundreds of bodies, and we presume that many more will be discovered in the future. Thousands of indigenous people were forced to join the civilian self-defence patrols and those who resist were tortured, killed, or simply disappeared.

10. This is the real situation in which the indigenous peoples of Central America live today. CODEHUCA therefore wishes to inform the international community of the chief demands made by the indigenous peoples at the various meetings organized by the Commission:

(a) Recognition of the historical rights of indigenous peoples to preserve, develop and use their own languages and practise their customs and religions;

(b) Recognition of their right to participate actively in building a genuine and feasible democracy, based on justice and full social participation in social and political decisions;

(c) Recognition of their right to own land as a vital means of survival for indigenous and rural populations;

(d) Central American States must be made to ratify ILO Convention No. 169;

(e) With reference to the real situation of the indigenous people in Central America, they should be called "indigenous peoples" or "Mayan peoples" in the particular case of Guatemala;

(f) Support and press for the United Nations to declare a "decade for indigenous peoples" to further defend and promote respect for the human rights of indigenous peoples, by establishing national and international bodies to promote the various necessary activities;

(g) An office of United Nations High Commissioner for Indigenous Peoples should be established as a permanent body to apply indigenous rights, with the direct participation of indigenous representatives;

(h) The United Nations draft declaration on indigenous peoples should be adopted.

11. CODEHUCA supports these demands and adds that:

(a) The problems of the indigenous peoples should be looked at not from the angle "minorities" but rather from the broader and fairer angle "the rights and problems of indigenous peoples";

(b) The areas with secret grave should be declared "areas under international custody" by the United Nations since they are a symbol of a people's suffering and the need to eradicate societies which encourage impunity and put an end to human rights. The State must be compelled to investigate ethnocide, for only when justice is dispensed can genuine peace and democracy be achieved.

12. We feel that the Sub-Commission should ensure that these demands are accepted by both the international community and the Central American States.

13. It is incumbent on the United Nations, in accordance with its own principles and norms, to urge Central American States to accept the full and free participation of indigenous peoples in society, particularly in matters which concern and affect them specifically.

14. We urge the members of the Sub-Commission to make a tour of Central America so that they can see for themselves the economic exploitation, cultural oppression and discrimination the indigenous people confront, and also their unswerving determination to defend their rights as citizens with their own culture, one which, despite the attempts to destroy it and lose it from sight, will continue to be a source of pride to mankind.